



# International Courts

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# What is an International Court?

One possible definition . . .

- Established by International Legal Instrument
  - Uses International Law to Decide Cases
  - Established to Decide More than One Case
  - Rules and Procedures are Independent of the Specific Case
  - Issues Judgments/Decisions that Are legally binding on the Parties to the Dispute
- Among those with active dockets in 2006, 17 courts fulfilled these criteria



## **Antecedents to International Courts**

**International Courts have their  
roots in International Arbitration**



# Global Courts

1. International Court of Justice
2. International Tribunal for the Law of the Sea
3. International Criminal Court
4. Appellate Body of the World Trade Organization



## **Regional Courts: Europe (selected)**

1. European Court of Human Rights
2. European Court of Justice
3. Court of Justice of the European Communities
4. European Free Trade Area Court
5. International Criminal Tribunal for the Former Yugoslavia



# Regional Courts: The Americas

1. Inter-American Court of Human Rights
2. Caribbean Court of Justice
3. Permanent Review Court of the Mercosur
4. Court of Justice of the Andean Community



## Regional Courts: Africa

1. Special Court for Sierra Leone
2. Common Court of Justice and Arbitration of the Organization for the Harmonization of Corporate Law in Africa
3. Court of Justice of the Economic Community of West African States
4. Court of Justice of the Economic and Monetary Community of Central Africa Court of Justice
5. African Court for Human and People's Rights



# Regional Courts: Asia

## 1. Extraordinary Chambers in Cambodia





# Criminal Courts

1. International Criminal Court
2. International Tribunal for the former Yugoslavia
3. International Tribunal for Rwanda
4. Special Court for Sierra Leone
5. Extraordinary Chambers in Cambodia



# Human Rights Courts

1. European Court of Human Rights
2. Inter-American Court of Human Rights
3. African Court of Human and Peoples' Rights



## **Courts of Regional Economic Integration Agreements (selected)**

1. European Court of Justice Court of the European Free Trade Agreement
2. Court of Justice of the Economic Community of West African States
3. Court of Justice of the Economic and Monetary Community of Central Africa Court of Justice
4. Permanent Review Court of the Mercosur



## **Many International Courts are Recent**

These courts were established in

2006: Extraordinary Chambers of Cambodia

2006: African Court of Human and Peoples' Rights

2005: Caribbean Court of Justice

2002: International Criminal Court

1994: Appellate Body of World Trade Organization



# International Courts Vary Along Many Dimensions

For example;

- Jurisdiction
- Who Can Bring Suit
- Applicable Law
- Selection and Term of Judges
- Potential Punishments and Relief Awarded



## These Courts Are Not Equally Busy

- ICJ: from 1946-2003, 80 Judgments
- WTO AB: from 1994-2003, 59 Judgments
- ECHR: from 1959-2003, 4,145 Judgments



## **International Courts in which the U.S. Participates**

1. ICJ (but only for disputes involving specified treaties)
2. WTO-Appellate Body
3. [ICTY/ICTR (through membership in UN)]
4. [NAFTA]



## The U.S. is *Not* a Member of

1. The International Criminal Court
2. The International Tribunal for the Law of the Sea
3. The Inter-American Court of Human Rights





# **The Effect of Decisions of International Courts Upon U.S. Law is Unsettled**

Two Separate Questions:

1. Are Decisions by International Courts Binding on US Courts?
2. Are Decisions by International Courts Relevant when Interpreting US statutes and the US Constitution?